

CITY OF ALAMO HEIGHTS  
CITY COUNCIL  
January 14, 2008

A regular meeting of the City Council of the City of Alamo Heights, Texas was held at the Council Chambers, 6120 Broadway, at 5:30 p.m. on Monday, January 14, 2008.

Present and composing a quorum were:

Mayor Louis Cooper  
Mayor Pro Tempore Bobby Rosenthal  
Councilman Stan McCormick  
Councilwoman Jill Souter  
Councilman Bill Kiel  
Councilwoman Susan Harwell

Also attending were:

City Manager Rebecca Waldman  
City Attorney Mike Brennan  
Finance Director Cynthia Barr  
Public Works Director Shawn Eddy  
Interim Fire Chief William Woodward  
Police Lieutenant Darwin Griffith  
Human Resources Manager & Deputy City Secretary Judie Surratt  
Assistant to the City Manager Marian Ramirez  
Community Development Manager Jack Guerra  
Public Works Manager Pat Sullivan  
Utilities Manager Jacob Rojas

Absent was:

Police Chief Rick Pruitt

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Mayor Louis Cooper called the meeting to order at 5:35 p.m.

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Mayor Cooper asked for any corrections or changes to the minutes of the December 10, 2007 regular City Council meeting. No corrections were offered and the Mayor called for a motion. Councilwoman Susan Harwell made a motion to approve the minutes of the December 10, 2007 Council Meeting and Councilwoman Jill Souter seconded the motion. The motion was approved by unanimous vote.

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### City Manager's Report

City Manager Rebecca Waldman acknowledged the generous donations by various businesses and private citizens to the Annual Employee Recognition and Holiday Banquet held on December 14, 2007. Ms. Waldman read a list of the donors and informed the Council Members that the City would issue Certificates of Appreciation to each donor.

Ms. Waldman then recognized those individuals who donated either time and/or money to provide food for the On-Duty Employee Christmas Dinner and especially Ms. Margaret Houston for coordinating the dinner as she does every year. Mayor Cooper added the Council's appreciation of Ms. Houston's efforts and asked Ms. Houston if she would like to say a few words. Ms. Houston informed the Council and audience that this dinner came about three years ago as a bi-product of the Citizen's Academy and the food was delivered to the on-duty employees of the Police Department and Fire Department on Christmas Eve.

Ms. Waldman then informed the Council Members that several coyote sightings had been reported to the Police Department and that an update on this issue would be presented by Police Chief Rick Pruitt at the next council meeting on January 28<sup>th</sup>.

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Mayor Pro Tempore Bobby Rosenthal recognized Boy Scouts from a local troop who were in attendance as part of their Citizenship in the Community Merit Badge requirements.

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### Citizens To Be Heard Concerning Non-Agenda Items

Ms. Sarah Reveley signed up to speak on two issues. The first issue concerned the coyote sightings and she was glad to see that it was going to be addressed at the next council meeting. Ms. Reveley stated that she lives at 436 Corona Avenue and that the coyotes are of great concern to her. Ms. Reveley added that she had contacted the Wildlife Damage Management Service and spoke with Mr. Mike Bodenchuck who informed her that aggressive coyotes should be destroyed. Ms. Reveley provided the telephone number for this agency and suggested that the City contact them for assistance.

Ms. Reveley also spoke about the Keep America Beautiful and the Keep Texas Beautiful Organizations and the many services they provide to cities and noted that Alamo Heights was not a member of either of these organizations. Ms. Reveley went on to say that membership is only \$75.00 a year and urged the City to take advantage of the services provided by this organization.

Mr. David Watkins, 115 Grandview Place, wanted to report to Council on the project at the old Alamo Heights Garage site, located at 110 Chichester Place. Mr. Watkins reported on a series of meetings and discussions that had occurred between Lindsey Thorn, the architect for the project, and the neighbors concerning the replacement structure which was to be 10 upscale

condominiums, prior to the Demolition Permit being issued. Mr. Watkins stated that many of the neighbors' major concerns, specifically water runoff, shade and increased traffic had been addressed, but now, the neighbors had been notified that the whole project had changed and it was now a 20 unit apartment complex. Mr. Watkins showed the Council Members a rendering of the new complex and commented that now instead of the attractively designed condos there would be what looked like a motel. Mr. Watkins went on to say that this redesign was a major change in what was presented to Council and he felt that it was a classic "bait and switch" operation.

Ms. Meredith Hanson, 115 Grandview Place, addressed the same issue. Ms. Hanson stated that the whole project changed after the demolition was completed. Ms. Hanson went on to say that she had spent a lot of time with the architect for the project discussing drainage and water concerns and had come to an agreement for resolving those concerns, but with the new design, there would be 40 parking spaces instead in the center of the project instead of a courtyard which would channel runoff water onto her property. Ms. Hanson continued saying that the Army Corps of Engineers had conducted a study on the area, including the Graceland culvert, and issued their report based on the data at that time. She added that this change to the design would affect the accuracy of the whole study.

Councilman Bill Kiel commented that this project still has to come back to Council to be approved.

Mr. Eric Cochrane, who spoke on behalf of his father, told the Council that there is currently a retaining wall that prevents water from flowing onto his father's lot. He said that the retaining wall is in a deteriorating condition, but under the original plans, the wall was to be repaired or replaced; however, the new plans show only a fence in place of the retaining wall.

Ms. Marcelle Rose, who resides at 119 Grandview Place, warned Council that the City could lose FEMA money by allowing these buildings to be constructed in the flood plain. Ms. Rose then read a list of condominiums that had been constructed around the City and stated that many remain vacant. Ms. Rose emphasized that the City does not need any more condos.

Mr. Richard Rose, also of 119 Grandview Place, added that the new plan includes a third story section and believes that there is a misconception about what is allowed.

Mr. Richard Granato, 141 Chichester Place, and Ms. Susan Watson, 413 Cleveland Court, also addressed Council with similar concerns about this project.

Mayor Cooper thanked all the citizens who spoke for bringing this issue to the Council's attention and assured them that the matter would be investigated.

Ms. Waldman asked whether staff should place this item on the agenda for the next Council Meeting as a discussion item or as an action item. City Attorney Mike Brennan responded that it should be a discussion item on the agenda for the January 28, 2008 City Council Meeting.

Ms. Margaret Houston, 140 Patterson Avenue, informed Council that residents would like to see the City increase Fire and Police salaries. Ms. Houston reported that many local cities are hiring right now and we are losing good employees to these other cities.

Ms. Houston also spoke to Council about buying locally and stated, "Let's think how we shop and where we shop".

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#### Staff Reports

Finance Director Cynthia Barr reported to Council that the results of the 2008-2009 Election of the Board of Directors for the Bexar Appraisal District were favorable, stating that the Council's nominee, Ms. Helen Dutmer was elected to the Board.

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#### Consent Items

Mayor Cooper announced that the Council would consider the Consent Items before hearing the Staff Report from Public Works Director Shawn Eddy. The Mayor then proceeded to read the captions for Agenda Items Number 5 and Number 6.

5. Request by the Alamo Heights High School Band Association to hold a 10K Run/5K Walk on March 1, 2008, from 7:00 a.m. until noon to begin and end at the Alamo Heights ISD Administrative Office, 7101 Broadway – Rick Pruitt, Police Chief (Staff recommends approval)
6. Request for permission for refund of duplicate or erroneous property tax payment: Guy L. Watts, owner of property at 159 E. Oakview Place, in the amount of \$965.24; and Alan Weinkrantz, owner of property at 826 Cambridge Oval, in the amount of \$1,066.53 – Cynthia Barr, Director of Finance (Staff recommends approval)

As there were no questions or discussion, Mayor Cooper called for a motion. Councilman Bobby Rosenthal made a motion to approve Consent Items Number 5 and Number 6 with Councilwoman Souter seconding the motion. All Council Members voted in favor; the motion passed.

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#### Staff Reports- Continued

Mayor Cooper then returned to the Staff Reports segment of the agenda. Public Works Director Shawn Eddy presented an update on the Water and Sewer Systems which addressed: 1. Basic information on the availability, production, storage and distribution of water in Alamo

Heights; 2. An analysis of the City's sewer system and feasibility of transferring the system to San Antonio Water System (SAWS); 3. Recommendations from the recently completed Utility Rate Design Study; and 4. Summary and Recommendations/Action Items.

During his presentation, Mr. Eddy talked about the history of the City's existing three (3) water towers, the water system requirements, pressure and storage issues and possible replacements for the water tower that will be dismantled. Mr. Eddy also addressed the need for the City to make decisions on how to deal with drought situations in the future and presented historical data on past drought periods in the area.

Mayor Cooper advised that if the City wants to consider a switch to SAWS, public input should be requested and that it must be a public process. The Mayor added that he felt more research was needed on this topic and the City needed to move carefully.

Councilman Stan McCormick recalled that when he first came to the City Council he was informed of a "don't give away water and sewer rights" doctrine and that he has never forgotten it.

After more questions and discussion by council members, Mayor Cooper announced that the Council would now take comments and questions by those in the audience who had signed up for Citizens to be Heard on Agenda Items.

Mr. Andrew Scott, 262 Tuxedo Avenue, complimented Mr. Eddy on an excellent presentation that was very informative. Mr. Scott wanted to know if sewer rates were negotiated with SAWS and if the City could ensure that there was no way for SAWS to get their hands on the water if the sewer rights were transferred to them. Mr. Scott also questioned if the numbers stated in Mr. Eddy's report were for water pumped or water paid for. Mr. Eddy stated that the numbers were for water pumped. Mr. Scott went on to share his concerns with the need for water conservation and the impact of increased population and drought on the water supply.

Councilman Kiel revealed that there was some interest by Council Members and citizens in exploring the possibility of implementing impact fees to deal with increased water demands created by additional multi-family development and called upon Ms. Nelisa Heddin with Water Resources Management L.P., the engineering firm that conducted the utility study for the City, to elaborate on this topic.

Ms. Heddin explained to Council that implementing impact fees is a beneficial growth management tool but is a very difficult and cumbersome process. Ms. Heddin elaborated on the plusses and minuses of such a program, primarily on the hiring of an engineering firm to compile all the data required to make that kind of decision, the required comprehensive reporting to the state and the residents on the money collected and how it is spent and the restrictions on the use of the money collected. Ms. Heddin recommended that the City first needed to look at where they wanted to be in the future in regards to multi-family housing and then look at the possible role impact fees would have on controlling the growth of multi-family construction.

Councilman Kiel stated that the City needed to start planning now for limiting multi-family growth. He added that we have already begun to look at this but there is still more to do.

Councilman Kiel explained to the audience that if the City uses more water than our water rights amount, the City doesn't run out of water; the City pays a fine for over pumping or obtains a short-term lease for water to prevent going over the allotted amount; this is about money, not about supply. The Councilman went on to say that when an Incarnate Word or other developer comes in and adds to the consumption, the City doesn't lose money; however, as more and more buildings are constructed and we get closer to our capacity, we could have a problem as there is no more room for additional water towers.

Ms. Margaret Houston, 140 Patterson Avenue, also wanted to complement Mr. Eddy on his presentation. She then asked to return to the topic of the possible takeover of the sewer system by SAWS and commented that when Terrell Hills converted, their bills increased substantially. She also commented on the amount of water the City had running down the street and its impact on unaccounted for water usage. Ms. Houston suggested that the City implement a very user friendly conservation program without any stigma attached; one that would allow citizens to identify and report water problems that offending businesses or residents were not aware of. She added that we are not a tattle-tale community but need to become a conservation community.

Ms. Donna Balin, 262 Tuxedo Avenue asked for clarification on the average water usage, specifically the 256 gallons per person, per day average over 10 years. Ms. Balin wanted to know if that number was billable water or if leakage was added in. Public Works Director Shawn Eddy answered by saying that the gallons per person, per day is a figure derived from the water pumped. Ms. Balin stated that she felt the City should use the amount of water billed when doing a comparison with other cities; that the residents were not the water hogs that they are portrayed to be and a more conservative water conservation program would be sufficient.

Councilman Kiel responded that the City is already taking steps to reduce usage and is down to 226 gallons per person, but there is still more to do if we want to get down to our 10% goal. He stated that this is an apples-to-apples comparison with other cities; these calculations are always done on water pumped, not on water billed.

Ms. Balin expressed her appreciation to the Mayor for making the conversion to SAWS a public process and shared her concern about where the City will be with upgrades to the system if the system is turned over to SAWS.

Mr. John Joseph, 206 Joliet Avenue, asked whether the City could give him better numbers on the age of the sewer lines. Mr. Eddy responded that it was difficult to give the exact age of the sewer lines as they have been patched and repaired numerous times over their lifetimes. Mr. Joseph then asked about the cost for the City to maintain the sewer lines versus the cost to convert to SAWS and if that was considered in evaluating the possible sale to SAWS. Councilman Kiel replied that over time, the cost to maintain the sewer lines was estimated at seventeen million dollars (\$17,000,000). Mr. Joseph noted that a few years ago there was a break in the sewer lateral line at 201 Joliet and discovered that the homeowner was responsible for the repairs. He added that a big plus to having SAWS the purveyor of the sewer lines is that they consider the lateral lines as their domain will assume responsibility for the repair of those lines.

Mr. Joseph questioned Council as to why citizens have to pay a higher rate for water than commercial customers who use substantially more water. Councilman Kiel replied that actually the rates are the same for all water users. Councilman Rosenthal added that there is a rate cap at the third tier for institutional users. Councilman Kiel then asked Ms. Heddin, with Water Resources Management L.P., if she would like to respond to Mr. Joseph's question. Ms. Heddin explained in great detail how water rate structures are determined and how it is the customers who create peak demands on the system who have to pay for that increased usage. Councilman Kiel added that multi-family and commercial customers' water usage doesn't peak as much as single-family customers. Mr. Joseph concluded by saying that he understood to a certain extent but that he didn't think it was fair that he had to pay more for water than a large water user. Councilman Kiel commented that it was always good to use benchmarking in cases such as this and that the results showed that in residential rates, the City is in the 10 to 15 percentile; commercial rates are closer to the median, which shows our rate structure is preferential to residential customers.

Council Members asked additional questions of Mr. Eddy and Ms. Heddin on this topic and considerable discussion ensued.

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#### Items for Individual Consideration

Mayor Cooper proceeded to agenda item No. 7 and read the caption to an ordinance.

AN ORDINANCE AUTHORIZING AND APPROVING THE EXPENDITURE OF \$50,000, IN EQUAL AMOUNTS FROM THE UNRESERVED BALANCE OF THE GENERAL FUND AND THE UNRESERVED BALANCE OF THE UTILITY FUND TO PURCHASE AND ERECT A PRECAST CONCRETE FENCE AROUND THE PUBLIC WORKS YARD LOCATED AT THE CITY HALL COMPLEX.

Public Works Director Shawn Eddy showed a PowerPoint presentation showing an example of the proposed fence, the landscaping that would be installed around the fence and the three gates. Mr. Eddy explained that the construction of the fence will start on the Blue Bonnet Blvd. side of the public works yard and that barbed wire will be used on the section facing the alley way to allow for the flow of traffic while the new water tower is being built. He added that once the water tower is in place, the remainder of the fence will be constructed.

After a short discussion by council members, Councilman McCormick made a motion to adopt the ordinance authorizing the expenditure to erect the fence around the public works yard. The motion was seconded by Councilwoman Harwell and all council members voted in favor.

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All regular agenda business being concluded, Mayor Cooper announced that the City Council would conduct a closed meeting with its attorneys to seek advice regarding a pending

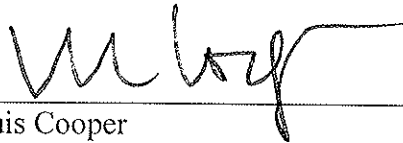
EEOC matter as authorized in Section 551.071 of the Texas Government Code and the regular meeting adjourned to Executive Session at 8:00 p.m.

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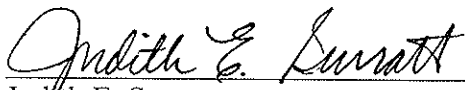
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The Mayor reconvened the regular meeting at 9:19 p.m. As there was no action to be taken on the business discussed in the closed session, the Mayor asked for a motion to adjourn the regular meeting. Councilman McCormick made a motion to adjourn the regular meeting and was seconded by Councilwoman Harwell. The motion passed. The Mayor adjourned the regular meeting at 9:20 p.m.



Louis Cooper  
Mayor



Judith E. Surratt  
Deputy City Secretary